

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

03/05/2007 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CRIMINAL 05-00206JMS-04
CASE NAME: United States of America vs. -04 Shawn Aguiar, aka "Rivers"
ATTYS FOR PLA: Chris A. Thomas
ATTYS FOR DEFT: Brook Hart
U.S.P.O.: Malia Eversole

JUDGE:	J. Michael Seabright	REPORTER:	Steve Platt
DATE:	03/05/2007	TIME:	1:40 - 2:50

COURT ACTION: Sentencing as to Count 1 of the Indictment:

Defendant present with counsel Brook Hart.

Memorandum of Plea Agreement accepted.

Governments Motion for Downward Departure GRANTED.

Allocution by the defendant.

Imprisonment 84 months; Supervised Release 4 years under the following conditions:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).

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5. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
6. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
7. That the defendant execute all financial disclosure forms, and provide the Probation Office access to any requested financial information.
8. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

No fine imposed.

Special Monetary Assessment \$100.

Advised of rights to appeal.

RECOMMENDATION: 1) Lompoc, CA. 2) Terminal Island, CA.

That the defendant participate in educational training program.

Governments Oral Motion to Dismiss Counts 3 and 5 GRANTED.

Defendants Oral Motion to Self Surrender GRANTED.

Defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.

MITTIMUS: April 24, 2007 at 2:00 p.m.

BAIL: Ordered that defendant remain on bail under the same terms and conditions as previously imposed by magistrate judge.

Submitted by: Dottie Miwa, Courtroom Manager